

06-13-06

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T-733 P.001/003 F-056

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DATE: June 13, 2006

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PAGES: Cover + 2

TO:

FAX NUMBER:

Leslie Wong, Primary Examiner

(571) 273-8300

COMMENTS: Please see attached.

|                          |                             |            |
|--------------------------|-----------------------------|------------|
| FROM: Michael J. Berchou | EQUITRAC INIT: MJB2         | EXT.: 7078 |
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**Phillips Lytle LLP**

Via Fax (571) 273-8300  
Milton Cano, Supervisory Patent Examiner

June 13, 2006

Via US Mail  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Re: U.S. Patent Application Serial No. 09/834,253; filed 04/12/01; for  
CO-EXTRUDED CHEESE SNACKS

Dear Mr. Cano:

C

Following the submission of my February 1, 2006 letter inquiring as to the status of the subject application, I spoke to you on March 9, 2006 with respect to this case. At the conclusion of our conversation, you agreed to discuss this matter with the Primary Examiner and request that she reissue the July 26, 2004 office action, which was issued in error. As no further office action has issued with respect to the Applicant's March 18, 2004 amendment, we respectfully inquire as to the status of this application.

O

To summarize this matter, during a February 17, 2004 telephone interview, the Primary Examiner instructed the Applicant to amend the independent claims, claims 1 and 16, to include a temporal limitation with respect to the flow of the core from the cheese product and the migration of water from the core to the outer layer, and agreed that such an amendment would place the claims and condition for allowance. The Applicant made a corresponding amendment on March 18, 2004.

P

On July 26, 2004, the Primary Examiner issued a final office action which did not address the amendment, and again rejected all claims. During an August 26, 2004 telephone interview, the Primary Examiner acknowledged that the July 26, 2004 office action may have been issued in error as the Applicant's prior amendment (filed September 9, 2003) was attached to her February 17, 2004 interview summary. As a result, the Primary Examiner acknowledged that she may have inadvertently issued the July 26, 2004 office action in response to the September 9, 2003 amendment, rather than the March 18, 2004 amendment which followed our telephone interview.

Y

As no further office action was issued, I contacted the Primary Examiner on October 7, 2004. At that time, she stated that a supplemental office action would be issued and that Applicant's time to respond to the July 26, 2004 office action would be restarted. The Examiner confirmed this in

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PAGE 2/3 \* RCVD AT 6/13/2006 10:57:25 AM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-2/4 \* DNIS:2738300 \* CSID:7168526221 \* DURATION (mm:ss):01:26

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T-733 P.003/003 F-056



Milton Cano

Page 2

June 13, 2006

an Interview Summary, mailed on November 16, 2004, which states: "a new action will be issued restarting the time period." However, no further office action has been issued. In addition, the Interview Summary with respect to the February 17, 2004 interview was never received by this office.

Thank you for your attention to this matter.

Very truly yours,

Phillips Lytle LLP

C By

Michael J. Berchou

O MJB2en

BFLO Doc. # 1580477.1

P cc: Primary Examiner, Leslie Wong (Via Fax 571-273-8300)  
Y David Chambers, Esq. (via mail)